

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ZACHARY LUTZ, : CIVIL ACTION  
*Plaintiff*, :  
v. :  
RAKUTEN, INC., *et al.*, : No. 17-3895  
*Defendants*. :  
:

ORDER

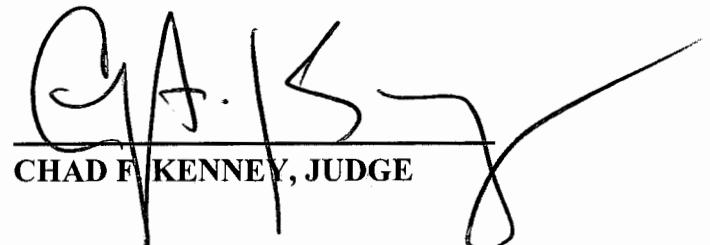
AND NOW, this 22<sup>nd</sup> day of April 2019, upon consideration of Defendants' Motion to Dismiss (ECF No. 42), Plaintiff's Response thereto (ECF No. 44), Defendants' Reply (ECF No. 45), and Plaintiff's Sur-Response (ECF No. 48), and in conjunction with the Court's accompanying Opinion, it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss (ECF No. 42) is **DENIED IN PART** and **GRANTED IN PART**;
2. Defendants' Motion to Dismiss is **GRANTED** as to Defendant, Rakuten, Inc., only.

Therefore, Rakuten, Inc. is **DISMISSED** from the instant action;

3. Defendants' Motion to Dismiss is **DENIED** as to Defendant, Rakuten Baseball, Inc.
4. Rakuten Baseball, Inc. must file an answer to Plaintiff's Complaint on or before May 6, 2019.

BY THE COURT:



CHAD F. KENNEY, JUDGE